

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

214

CRM-M-22753-2019 (O & M)
Date of Decision:22.05.2019

Mohd. Kalam @ Alam

...Petitioner

Versus

UT Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.P. Kaushal, Advocate for the petitioner.

Mr. Rajiv Vij, APP, UT, Chandigarh.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.29 dated 25.01.2019, under Sections 3, 4, 5 and 6 of Immoral Traffic (Prevention) Act, registered at Police Station South Sector-34, Chandigarh.

As per prosecution case, a secret information was received on 25.01.2019 by ASP, South Division that Mohd. Kalam @ Alam (petitioner), owner of hotel Neelam Palace, Burail and his manager Mohd. Mushfique Alam were involved in illegal trade of immoral trafficking, therefore, he along with other police officials conducted raid at the said hotel and both of them were apprehended. Even two females were also recovered, who were sent to Nari Niketan. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case. He further contends that the alleged place is a busy residential area in between the city and it is highly improbable to run such type of prostitution racket. He also contends that the co-accused of the petitioner have been granted the concession of regular bail by the trial Court. He further contends that nothing has been recovered from the petitioner and the trial is likely to take a long time to conclude, therefore, no useful purpose would be served by keeping the petitioner behind the bars.

On the other hand, learned State counsel has opposed the bail application on the ground that the petitioner was involved in immoral trafficking. However, it is not disputed that the co-accused of the petitioner has already been granted the concession of regular bail by the trial Court.

Considering the above background and the fact that the offences are triable by Magistrate, further detention of the petitioner may not be justified. Therefore, without meaning any expression on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

22.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No